IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Kouji Matsushima et al.	Art Unit	: 1644
Serial No.	: 10/574,045	Examiner	: Zachary S. Skelding
Filed	: February 21, 2007	Conf. No.	: 9112
Title	: PROTEINS EXPRESSED IN NK CELLS		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

In response to the species election requirement made in the action mailed March 18, 2010, applicants elect the species of SEQ ID NO: 4. Claims 2, 6, 8-10, 14, 21-24, 26, 28-31, 34, 35, 38, 39, 41, 43, 44, 46, and 48 read on the elected species. The election is made with traverse.

Applicants traverse the requirement for election between SEQ ID NO: 4 and SEQ ID NO: 2 on the grounds that the sequences share a special technical feature and that there would be no undue burden to search SEQ ID NO: 4 and SEQ ID NO: 2 together. The action states that the identified species of SEQ ID NOs: 2, 4, and 6 lack the same or corresponding technical features because:

> The proteins that comprise an amino acid sequence represented by either SEQ ID NO: 2 or SEQ ID NO: 4 set forth in claim 1 and the proteins that comprise the amino acid sequence represented by SEQ ID NO: 6 set forth in claim 1 do not have a novel chemical structure in common, and are only linked by the fact that said proteins are NK cell receptor proteins. However, NK cell receptor proteins were well known prior to the priority date of the present application and thus the feature of being a NK cell receptor protein cannot be said to be a special technical feature as defined in PCT Rule 13.2

Office action, page 4. Applicants disagree with the Office's statement that SEQ ID NO: 4 and SEQ ID NO: 2 do not have a novel chemical structure in common. SEQ ID NO: 4 and SEQ ID NO: 2 are human sequences that share a high degree of similarity: amino acid residues 18-441 of SEQ ID NO: 4 are 100% identical to residues 6-429 of SEQ ID NO: 2. No documents have been cited by the Office as allegedly anticipating this common chemical structure. Therefore, SEQ ID NO: 4 and SEQ ID NO: 2 share a special technical feature and should be examined

together. Further, because SEQ ID NO: 4 and SEQ ID NO: 2 share significant structure (100% identity over greater than 95% of the length of each sequence), there would be no undue burden to search both sequences together. Applicants request reconsideration and withdrawal of the requirement for election between SEQ ID NO: 4 and SEQ ID NO: 2. Claims 2, 6, 8-10, 14, 21-26, 28-35, 38-41, 43-46, and 48 read on one or both identified species.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0157US1.

Respectfully submitted,

Date: April 13, 2010

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